

**ATTACHMENT 1
RAYMOND FARM REZONING
STATEMENT OF PROFFERED CONDITIONS**

Rezoning Application # RZ 03-04 Pin # 6995-21-1875-00

**November 19, 2002
Revised January 23, 2003**

Pursuant to Section 15.2-2298, Code of Virginia, 1950 as amended, the owners, (the Estate of Margaret Raymond) and Landmark Property Development, LLC (hereinafter referred to as "Applicant") for themselves, their successors and assignees in Rezoning application number RZ 03-04 filed for property identified as Pin Number 6995-21-1875-000 in the Center District (hereinafter referred to as the "Application Property"), proffer the following, provided that the Board of Supervisors approves a rezoning of the Application Property to the PRD District not to exceed 64 single family lots. However, the owner and applicant only agree to the rezoning of this site and these proffers in the event that sewer and water is made available to the site. In the event the applicant is unable to obtain a commitment from the Town of Warrenton for sewer service for 64 new dwelling units prior to the Fauquier County Board of Supervisors action on this rezoning request, the applicant will withdraw this rezoning application.

1. Development Plan:

Unless otherwise modified by these revisions, development of the Application Property shall be in substantial conformance with the Concept Development Plan (CDP) prepared by Charles P. Johnson & Associates dated August 28, 2002 and Rezoning Plat dated August 28, 2002. Internal and frontage improvements to the property will be constructed in substantial conformance to the CDP, at the applicant's expense.

2. Minor Deviations:

Minor modifications from the CDP may be permitted as determined by the Zoning Administrator. The Applicant shall have the right to make minor adjustments to the internal lot lines of the proposed lots at the time of Subdivision Plat submission based upon final house locations and building footprints provided such changes are in accordance with the CDP, and do not increase the number of units or decrease the amount of open space, peripheral setbacks, access or parking spaces, without requiring approval of Staff.

3. Pond:

The existing pond along Lee Highway as shown on the Development Plan will be conveyed to the Board of Supervisors as part of the park land, parcel A dedication. It will be cleaned and a waterspout for the purpose of providing aeration will be installed. The pond will retain a permanent pool of water and may be used as a BMP/SWM for the

overall project. Applicant agrees to conduct a dam safety analysis and make appropriate corrections to the structure to meet current standards. In the event that the existing pond cannot be used for the SWM, the applicant reserves the right to install a SWM facility on Parcel A.

4. ~~Entry Feature:~~ Tree Buffer

~~A stone or brick entry feature consisting of two wings being 30 feet on each side (60 feet total length) and tapering from 2 up to 6 feet in height will be constructed (with stone) on the South East corner of the intersection of Lee Highway and Dumfries Rd. to serve as a Park feature.~~

The applicant commits to provide a planted buffer on parcel "A" adjacent to the neighboring property behind lots 25, 26, 27, 56, 57, 59, and 60. This buffer will consist of a variety of plantings that may include Leland Cyprus, a variety of deciduous or evergreen trees, and/or ornamental shrubs. The applicant also commits to a similar planted buffer adjacent to the C-2 zoned land owned by Richard C.D. Hunt. All plantings will be sized appropriately to provide an adequate buffer.

5. Existing House:

The existing house and garage as shown on the Development Plan will be deeded, at recordation of final plat, to the Fauquier County Board of Supervisors as part of the parkland Parcel "A" dedication. The tree lined drive on Parcel "A" from Dumfries Rd to the existing House will be preserved. Any on site construction will ensure that proper protection measures are taken to avoid adverse affects to these trees. Fauquier County shall have 120 days from the date of the rezoning to conduct an environmental audit and structural analysis of any structure located on property that is to be dedicated to the County. In the event that the County, in its sole discretion, determines during the 120 day period that the structures are not environmentally or structurally sound, the County may notify (Landmark Property Development, LLC) or its successor in interest, and request that the structure or structures be removed from the property which is to be dedicated to the County at the sole expense of (Landmark Property Development, LLC) or its successor in interest prior to the dedication of the property.

6. Park Area Dedication, parcel "A"

Parcel A on the CDP will be deeded to the Fauquier County Board of Supervisors for a park area at time of final Plat approval. The use of the park for either active or passive recreation will be determined by Fauquier County at a future time. The applicant commits to install the pathway (asphalt trail) system as shown on the CDP, ~~and the area of proposed outdoor amphitheater by proper grading and planting of the grassy area so designated on the CDP within the Parcel "A" area.~~ Except as otherwise setout herein, the land and facilities will be owned and maintained by Fauquier County. The SWM facility

may be co-located within the existing pond or as a separate facility within this area. If a separate SWM facility is necessary, the HOA will be responsible for maintenance.

7. Landscaping and setback.

The access road to the project will be constructed as a boulevard landscaped on the center island and both sides (Subject to VDOT). The project frontage on Dumfries Rd. will also be landscaped along the single-family lot area (parcels, 1,2,3,60,61) as shown on the Development Plan, this landscaping shall be supplemental in nature so as to preserve the existing tree line to the extent possible. The balance of the frontage will remain in its natural state. A minimum of 100 feet of setback for all lots from the property line will be maintained. A community gazebo will be constructed on Parcel "C."

8. Homeowners Association.

A homeowners association will be established to maintain landscaping along the Dumfries Rd., and the entry boulevard as well as the common property and landscaping of Parcels "B" and "C." In addition, the HOA will be responsible for maintenance if a separate SWM facility is necessary. The HOA documents will be submitted to the Fauquier County Attorney for review.

9. Right Of Way.

Site frontage along Dumfries Rd. Rt. 605 and Lee Highway Rt. 29-15 will be dedicated to VDOT as required at time of Final Plat approval. All attempts will be made to save the trees along Dumfries Rd subject to VDOT approval.

10. Buffer Area.

The private HOA owned buffer area, (Parcel "B") as shown on the development plan is to remain as open space and no construction of recreation facilities or other of uses (unless required by Fauquier County) will be permitted within this buffer/setback area, which adjoins residentially zoned and developed areas. Wherever possible, existing trees will be preserved.

11. Cul-de-sac length

Applicant commits to construct a connector street across parcel "C" between lots 48 and 49 and through lot 35. Applicant agrees to move proposed gazebo feature to parcel "C" to accommodate this construction.

Applicant also commits to shortening the length of the cul-de-sac between lots 60 and 61 to increase distance to Route 605.

12. Preservation of Out Building

Applicant agrees to preserve the existing one-story out building shown as being between lots 28 and 55 on the CDP. Applicant further agrees to repair and paint the siding of this structure, and install a new roof. This structure may be moved if required by grading and easement limitations.

LANDMARK PROPERTY
DEVELOPMENT LLC:

Scott Herrick, Managing Member

PROPERTY OWNER:

Fred Hufnagel, Executor,
Estate of Margaret Raymond